

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

ELIJAH NAHUM SIMMONS,                     )  
  )  
          Movant,                                )  
v.   )  
  )  
UNITED STATES OF AMERICA,                )  
  )  
          Respondent.                         )

Case No. CV613-112  
CR610-001

**ORDER**

On November 17, 2014 the Court dismissed Elijah Nahum Simmons' 28 U.S.C. § 2255 motion based upon a guilty-plea collateral attack waiver. (Doc. 10.) It reversed that decision on January 20, 2015, however, by granting Simmons' Fed. R. Civ. P. 60(b) motion for relief from judgment based upon the government's recent policy change on guilty-plea waivers. (Doc. 13.) It also appointed counsel for Simmons and set a hearing date.

Upon further reflection, this matter is not yet ripe for a hearing because the government has not been offered an opportunity to respond to Simmons' § 2255 claims on the merits. Accordingly, it shall have 30

days from the date this Order is served to do so. The hearing is continued until further order of this Court.

**SO ORDERED** this 26<sup>th</sup> day of January, 2015.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA